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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,193	06/19/2001	Bret A. Evans	58647.000002	9929

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EXAMINER

GOTTSCALK, MARTIN A

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,193

Applicant(s)

EVANS ET AL.

Examiner

Martin A. Gottschalk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 15,16,34,35 and 37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14,17-33 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/20/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-14, 17-33, and 36 in the reply filed on 11/18/2005 is acknowledged.
2. This application contains claims 15, 16, 34, 35, and 37, drawn to an invention nonelected without. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 3, 18, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - A. In particular, claim 3, as written, does not necessarily incorporate all the limitations of claim 1 from which it depends. For instance, claim 1, since it is written in the alternative, could comprise only the element (a), whereas claim 3, likewise written in the alternative, could comprise only the elements (b) and (c). Thus it is not clear that claim 3 incorporates all of the limitations of claim 1.

Claims 18 and 22 are processing logic instruction and method claims which correspond to system claim 3, and are thus rejected for the same reason as claim 3.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 14, 17, 18, 20-22, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Ruggieri et al (PG Pub# US 2005/0144114, hereinafter Ruggieri).

A. As per claim 1, Ruggieri discloses a system for facilitating interaction with an insurance service, comprising:

a processor unit for executing program instructions (Ruggieri: [0043]; Fig 1A, note the plurality of servers.);

a memory, coupled to the processor unit, for storing the program instructions (Ruggieri: [0044]-[0045]; Fig 1A, item 38 for example.);

a communication interface, coupled to the processor unit, for interacting with a user (Ruggieri: [0220]; Figs 15 and 19 for example, note the data input modules);
and

interface logic for providing a graphical interface presentation to the user concerning the insurance service (Ruggieri: [0022]; Fig 5A), including at least one of:

(a) a first dashboard display for presenting overview information with respect to the renewal of at least one insurance policy (Ruggieri: [0201]; Fig 9A and 9B);

(b) a second dashboard display for presenting overview information with respect to the processing of at least one automatic agreement (See rejection of step 1c below which discloses one example of information available to a user, i.e. renewal information. Further, see Ruggieri: [0054]-[0055] and note the disclosed categories stored in the "taxonomy module", described in Ruggieri: [0075]-[0076]; [0153], and listed in Appendix I, which provides a more exhaustive enumeration of the types of information available to a user. Note also that in Appendix I, there are several categories relating to reinsurance, for example those shown in the table

on page 23 of Ruggieri. Note on this page the third row having the category definition “Risk Transfer: Reinsurance – Property and casualty treaties...”. The Examiner considers this category to refer to a type of automatic agreement, i.e. treaty reinsurance.);

(c) a third dashboard display for presenting overview information with respect to the processing of at least one insurance claim (Ruggieri: [0190]-[0192], Figs 7A and 7B); and

(d) a fourth dashboard display for presenting executive-level overview information compiled from information presented in the first, second and third dashboard displays (Ruggieri: [0194]-[0200]; Figs 8A–8E. Note that this passage discloses the features of an exemplary workflow. Note further Ruggieri: [0200] which mentions claims – see also Fig 8C; and “transitional coverages” – see also Fig 8D - which the Examiner considers to be a form of insurance renewal. Note the labels in Fig 8D referring to “Special Exposure Coverages” and “Coverage Specifications” which would include an assessment as to whether or not treaty reinsurance would be appropriate – i.e. an automatic agreement as described in claim 1b above.).

B. As per claim 2, Ruggieri discloses the system of claim 1, wherein

the insurance service comprises a reinsurance service (rejected as per claim 1b above).

C. As per claim 3, Ruggieri discloses the system of claim 1, wherein

the interface logic includes at least two of the first through fourth dashboard displays (rejected as per claim 1).

D. As per claim 14, Ruggieri discloses the system of claim 1, further including

a database that identifies a user group assigned to the user, and wherein the interface logic includes logic for selecting information for display in the at least one dashboard display based on the user's assigned group (Ruggieri: [0072], reads on "...workgroup/workflow software...").

E. As per claims 17 and 18, they are claims drawn to a computer readable medium for providing instructions to processing logic which repeat the same limitations of claims 1 and 3, the corresponding system claims, as a series of instructions as opposed to a collection of elements. Since the teachings of Ruggieri disclose the structural elements that constitute the system of claims 1 and 3, it is respectfully submitted that they

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perform the underlying instructions, as well. As such, the limitations of claims 17 and 18 are rejected for the same reasons given above for claims 1 and 3.

F. As per claims 20-22, and 33, they are method claims which repeat the same limitations of claims 1-3, and 14 the corresponding system claims, as a series of process steps as opposed to a collection of elements. Since the teachings of Ruggieri disclose the structural elements that constitute the system of claims 1-3, and 14, it is respectfully submitted that they perform the underlying process steps, as well. As such, the limitations of claims 20-33, and 33 are rejected for the same reasons given above for claims 1-3, and 14.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 4-13, 19, and 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruggieri.
 - A. As per claims 4-13, Ruggieri teaches a system that provides a graphical user interface populated with a plurality of fields broadly concerning the various types of information associated with an insurance service (see rejection for claim 1). Ruggieri further teaches a taxonomy module which draws from and analyzes the information provided by a comprehensive database of information (Ruggieri: Appendix I).

Ruggieri fails to explicitly teach the specific fields recited in claims 4-13.

However, the differences between these claims and the prior art are found only in the specific data selected for display regarding the insurance service. This is non-functional descriptive material and will not distinguish the claimed invention from the prior art in terms of patentability, see *Cf. In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include selecting different types of insurance related information to

display as a matter of design choice. *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975).

B. As per claim 19, it is a claim drawn to a computer readable medium for providing instructions to processing logic which repeats the same limitations of claim 12, the corresponding system claim, as a series of instructions as opposed to a collection of elements. Since the teachings of Ruggieri disclose the structural elements that constitute the system of claim 12, it is respectfully submitted that they perform the underlying instructions as well. As such, the limitations of claim 19 are rejected for the same reasons given above for claim 12.

The motivation for incorporating the features of Ruggieri is as given above in the rejection of claims 4-13, and is incorporated herein.

C. As per claims 23-32, they are method claims which repeat the same limitations of claims 4-13, the corresponding system claims, as a series of process steps as opposed to a collection of elements. Since the teachings of Ruggieri disclose the structural elements that constitute the system of claims 4-13 it is respectfully submitted that they perform the underlying process steps, as well. As such, the limitations of claims 23-32 are rejected for the same reasons given above for claims 4-13.

The motivation for incorporating the features of Ruggieri is as given above in the rejection of claims 4-13, and is incorporated herein.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art discloses systems including interfaces for insurance and reinsurance information (US Pat#s 5,873,066; and 6,526,386).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin A. Gottschalk whose telephone number is (571) 272-7030. The examiner can normally be reached on Mon - Fri 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MG

02/13/2005



C. LUKE GILLIGAN
PATENT EXAMINER